

116TH CONGRESS
2D SESSION

S. _____

To prohibit the use of corporal punishment in schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MURPHY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To prohibit the use of corporal punishment in schools, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting our Students in Schools Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act are as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—PROHIBITION OF CORPORAL PUNISHMENT

Sec. 101. Prohibition of corporal punishment.
Sec. 102. Civil actions by the Attorney General.
Sec. 103. Enforcement by the Office for Civil Rights.

2

Sec. 104. Parent notification and protection and advocacy systems.

TITLE II—STATE ACTIVITIES AND GRANT PROGRAM

Sec. 201. State plan and enforcement.

Sec. 202. Grant authority.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Federal regulations.

Sec. 302. Other schools.

Sec. 303. Limitation of authority.

Sec. 304. Applicability.

Sec. 305. Severability.

Sec. 306. Authorization of appropriations.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) eliminate the use of corporal punishment in
4 schools;

5 (2) ensure, regardless of sexual orientation,
6 gender identity or expression, sex, race, color, na-
7 tional origin, disability, or religion, the health and
8 safety of all students and program personnel in
9 schools and promote a positive school climate and
10 culture;

11 (3) assist States, local educational agencies,
12 and schools in improving school climate and culture
13 by implementing positive behavioral interventions
14 and supports and other models to address student
15 behavior and work to eliminate the use of exclu-
16 sionary and aversive discipline practices or interven-
17 tions;

18 (4) ensure all program personnel have the sup-
19 ports and training necessary to implement positive

1 behavioral interventions and supports and other
2 models to address student behavior and improve
3 school climate and culture; and

4 (5) collect and analyze data on exclusionary and
5 aversive discipline practices or interventions in
6 schools.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) CORPORAL PUNISHMENT.—The term “cor-
10 poral punishment” means, with respect to a student,
11 a deliberate act which causes the student to feel
12 physical pain for the purpose of discipline, including
13 an act of physical force, such as striking, spanking,
14 or paddling, inflicted on a student’s body, requiring
15 a student to assume a painful physical position, or
16 the use of chemical sprays, electroshock weapon, or
17 stun guns on a student’s body.

18 (2) ESEA TERMS.—The terms “elementary
19 school”, “evidence-based”, “local educational agen-
20 cy”, “outlying area”, “parent”, “secondary school”,
21 “Secretary”, “State”, and “State educational agen-
22 cy” have the meanings given the terms in section
23 8101 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7801).

1 (3) MODEL.—The term “model” means an ac-
2 tivity, strategy, framework, or intervention that is
3 evidence-based, to the extent practicable.

4 (4) POSITIVE BEHAVIORAL INTERVENTIONS
5 AND SUPPORTS.—The term “positive behavioral
6 interventions and supports”—

7 (A) means a schoolwide, systematic ap-
8 proach that embeds evidence-based practices
9 and data-driven decisionmaking to improve
10 school climate and culture in order to achieve
11 improved academic and social outcomes and in-
12 crease learning for all students (including stu-
13 dents with the most complex and intensive be-
14 havioral needs); and

15 (B) encompasses a range of systemic and
16 individualized positive strategies to teach and
17 reinforce school-expected behaviors, while dis-
18 couraging and diminishing undesirable behav-
19 iors.

20 (5) PROGRAM.—The term “program” means—

21 (A) all of the operations of a local edu-
22 cational agency, system of vocational education,
23 or other school system; and

24 (B) an elementary school or secondary
25 school that is not a public school that enrolls a

1 student who receives special education and re-
2 lated services under the Individuals with Dis-
3 abilities Education Act (20 U.S.C. 1400 et
4 seq.).

5 (6) PROGRAM PERSONNEL.—

6 (A) IN GENERAL.—The term “program
7 personnel” means any agent of a program, in-
8 cluding an individual who is employed by a pro-
9 gram, or who performs services for a program
10 on a contractual basis, including—

- 11 (i) school leaders;
- 12 (ii) teachers;
- 13 (iii) specialized instructional support
14 personnel;
- 15 (iv) paraprofessionals; or
- 16 (v) other staff.

17 (B) EXCLUSION.—The term “program per-
18 sonnel” shall not include a school resource offi-
19 cer or a school security guard.

20 (7) PROTECTION AND ADVOCACY SYSTEM.—The
21 term “protection and advocacy system” means a
22 protection and advocacy system established under
23 section 143 of the Developmental Disabilities Assist-
24 ance and Bill of Rights Act of 2000 (42 U.S.C.
25 15043).

1 (8) SCHOOL RESOURCE OFFICER.—The term
2 “school resource officer” means a sworn law enforce-
3 ment officer who—

4 (A) is assigned by the employing police de-
5 partment to a program;

6 (B) is contracting with a program; or

7 (C) is employed by a program.

8 (9) SCHOOL SECURITY GUARD.—The term
9 “school security guard” means a contractor or an
10 employee of a program responsible for addressing
11 one or more of the following safety and crime pre-
12 vention activities with respect to a program:

13 (A) Assisting program personnel in safety
14 incidents.

15 (B) Educating students in crime and ille-
16 gal drug use prevention and safety.

17 (C) Developing or expanding community
18 justice initiatives for students.

19 (D) Training students in conflict resolution
20 and supporting restorative justice programs.

21 (E) Serving as a liaison between the pro-
22 gram and outside agencies, including other law
23 enforcement agencies.

24 (F) Screening students or visitors to the
25 program for prohibited items.

1 (10) STUDENT.—The term “student” means an
2 individual enrolled in a program.

3 **TITLE I—PROHIBITION OF**
4 **CORPORAL PUNISHMENT**

5 **SEC. 101. PROHIBITION OF CORPORAL PUNISHMENT.**

6 (a) PROHIBITION.—No student shall be subjected to
7 corporal punishment by program personnel, a school re-
8 source officer, or a school security guard, while attending
9 any program that receives Federal financial assistance.

10 (b) PRIVATE RIGHT OF ACTION.—A student who has
11 been subjected to corporal punishment by program per-
12 sonnel, a school resource officer, or a school security
13 guard, in violation of subsection (a), or the parent of such
14 student, may file a civil action in any Federal or State
15 court of competent jurisdiction against the program under
16 which the violation is alleged to have occurred for attor-
17 neys’ fees, expert fees, injunctive relief, and compensatory
18 damages.

19 (c) NONAPPLICABILITY.—Section 615(l) of the Indi-
20 viduals with Disabilities Education Act (20 U.S.C.
21 1415(l)) shall not apply to an action filed pursuant to sub-
22 section (b), regardless of whether or not the student is
23 seeking relief that is also available under the Individuals
24 with Disabilities Education Act (20 U.S.C. 1400 et seq.).

1 **SEC. 102. CIVIL ACTIONS BY THE ATTORNEY GENERAL.**

2 Whenever the Attorney General receives a complaint
3 in writing signed by a parent (including a legal guardian)
4 or a group of parents (including legal guardians) to the
5 effect that the minor children of such a parent or parents
6 are being deprived by a program of the right to not be
7 subject to corporal punishment by program personnel, a
8 school resource officer, or a school security guard, and the
9 Attorney General believes the complaint is meritorious, the
10 Attorney General is authorized, after giving notice of such
11 complaint to the appropriate program and after certifying
12 that the Attorney General is satisfied that such program
13 has had a reasonable time to adjust the conditions alleged
14 in such complaint, to institute for or in the name of the
15 United States a civil action in any appropriate district
16 court of the United States against such parties and for
17 such relief as may be appropriate, and such court shall
18 have and shall exercise jurisdiction of proceedings insti-
19 tuted pursuant to this section. The Attorney General may
20 implead as defendants such additional parties as are or
21 become necessary to the grant of effective relief hereunder.

22 **SEC. 103. ENFORCEMENT BY THE OFFICE FOR CIVIL**
23 **RIGHTS.**

24 (a) REFERRAL TO OFFICE FOR CIVIL RIGHTS.—The
25 Secretary shall refer any complaint alleging a violation of

1 section 101(a) to the Office for Civil Rights of the Depart-
2 ment of Education for an investigation.

3 (b) PROCESS FOR REFERRAL.—Not later than 90
4 days after the date of enactment of this Act, the Secretary
5 shall develop and implement a procedure for receiving a
6 complaint alleging a violation of section 101(a).

7 (c) FAILURE TO COMPLY.—In the event that a pro-
8 gram has failed to comply with section 101(a), the Sec-
9 retary shall carry out at least one of the following:

10 (1) Withhold from such program, in whole or in
11 part, further payments (including payments for ad-
12 ministrative costs) under an applicable program (as
13 such term is defined in section 400(c) of the General
14 Education Provisions Act (20 U.S.C. 1221(c))) in
15 accordance with section 455 of such Act (20 U.S.C.
16 1234d).

17 (2) Enter into a compliance agreement in ac-
18 cordance with section 457 of the General Education
19 Provisions Act (20 U.S.C. 1234f).

20 (3) Issue a complaint to compel compliance of
21 such program through a cease and desist order, in
22 the same manner the Secretary is authorized to take
23 such action under section 456 of the General Edu-
24 cation Provisions Act (20 U.S.C. 1234e).

1 (d) CESSATION OF WITHHOLDING OF FUNDS.—If
2 the Secretary determines (whether by certification or other
3 appropriate evidence) that a program that is subject to
4 the withholding of payments under subsection (c)(1) has
5 cured the failure providing the basis for the withholding
6 of payments on a date that is within one year from the
7 date on which such payments were first withheld, the Sec-
8 retary shall—

9 (1) cease the withholding of payments with re-
10 spect to that program under such subsection; and

11 (2) reimburse all the withheld payments under
12 such subsection to such program.

13 (e) WITHHELD FUNDS.—The funds appropriated or
14 made available for the payments that were withheld under
15 subsection (c)(1) shall be available for expenditure to that
16 program **【pursuant to this subsection】** **【*strike this? not***
17 ***sure what it adds*】** for not longer than one year from the
18 date upon which the determination in subsection (d) was
19 made.

20 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to limit the Secretary's authority
22 under the General Education Provisions Act (20 U.S.C.
23 1221 et seq.).

1 **SEC. 104. PARENT NOTIFICATION AND PROTECTION AND**
2 **ADVOCACY SYSTEMS.**

3 (a) NOTIFICATION.—If a student is subject to cor-
4 poral punishment committed by program personnel, a
5 school resource officer, or a school security guard, at a
6 program **【that receives Federal financial assistance?】**, the
7 program serving such student shall notify, in writing, not
8 later than 24 hours after such use of force occurs, the
9 facts of such use of force to—

10 (1) the parent or parents of such student;

11 (2) the State educational agency; and

12 (3) the local law enforcement agency.

13 (b) NOTIFICATION FOR STUDENTS WITH DISABIL-
14 ITIES.—In the case of a student described in subsection
15 (a) who is an individual with a disability (as defined in
16 section 3 of the Americans with Disabilities Act of 1990
17 (42 U.S.C. 12102)) the program serving such student
18 shall—

19 (1) in addition to the notification described in
20 such subsection, notify, in writing, not later than 24
21 hours after the use of force described in such sub-
22 section occurs, the facts of such use of force to the
23 relevant protection and advocacy system; and

24 (2) provide any information to the relevant pro-
25 tection and advocacy system that the protection and
26 advocacy system may require.

1 (c) RESTATEMENT OF AUTHORITY.—Protection and
2 advocacy systems shall have the same authorities and
3 rights provided under subtitle C of title I of the Develop-
4 mental Disabilities Assistance and Bill of Rights Act of
5 2000 (42 U.S.C. 15041 et seq.) with respect to protections
6 provided for students under this Act when such students
7 are otherwise eligible to be clients of the protection and
8 advocacy system, including investigating, monitoring, and
9 enforcing such protections.

10 **TITLE II—STATE ACTIVITIES** 11 **AND GRANT PROGRAM**

12 **SEC. 201. STATE PLAN AND ENFORCEMENT.**

13 (a) STATE REQUIREMENTS.—Not later than 18
14 months after the date of enactment of this Act, and every
15 two years thereafter, each State educational agency that
16 receives Federal financial assistance shall provide to the
17 Secretary—

18 (1) a written assurance that—

19 (A) all programs located in such State
20 have been notified of the requirements of this
21 Act;

22 (B) all program personnel of such State
23 educational agency have received training with
24 respect to such requirements;

1 (C) parents of students served by such
2 State educational agency have been notified of
3 the requirements, rights, and remedies available
4 under this Act; and

5 (D) the notification required under sub-
6 paragraph (C) is publicly available on the
7 website of the State educational agency; and

8 (2) a school climate report that includes a de-
9 scription of—

10 (A) the policies and procedures of the
11 State educational agency with respect exclu-
12 sionary and aversive discipline practices or
13 interventions in such schools;

14 (B) how the State educational agency
15 plans to implement, is implementing, or has im-
16 plemented positive behavioral interventions and
17 supports and other models to address student
18 behavior and reduce the use of exclusionary and
19 aversive discipline practices or interventions in
20 the public elementary schools and secondary
21 schools of such State; and

22 (C) efforts of the State educational agency
23 to ensure program personnel receive the sup-
24 ports and training necessary to implement the

1 interventions, supports, and other models de-
2 scribed in subparagraph (B).

3 (b) LOCAL EDUCATIONAL AGENCY REQUIRE-
4 MENTS.—Not later than one year after the date of enact-
5 ment of this Act, and not less than once every two years
6 thereafter, each local educational agency shall submit to
7 the State educational agency a report that includes the
8 information the State educational agency determines nec-
9 essary to comply with the requirements of subsection (a).

10 (c) REPORT.—Not later than two years after the date
11 of enactment of this Act, and not less than once every
12 two years thereafter, the Secretary shall—

13 (1) submit to the Committee on Education and
14 Labor of the House of Representatives and the Com-
15 mittee on Health, Education, Labor, and Pensions
16 of the Senate a report summarizing the findings of
17 the reports under subsection (a)(2); and

18 (2) make the reports described in paragraph (1)
19 publicly available.

20 (d) ENFORCEMENT.—

21 (1) IN GENERAL.—

22 (A) USE OF REMEDIES.—If a State edu-
23 cational agency fails to comply with subsection
24 (a), the Secretary shall carry out at least one
25 of the following:

1 (i) Withhold, in whole or in part, fur-
2 ther payments under an applicable pro-
3 gram (as such term is defined in section
4 400(c) of the General Education Provi-
5 sions Act (20 U.S.C. 1221(c))) in accord-
6 ance with section 455 of such Act (20
7 U.S.C. 1234d).

8 (ii) Enter into a compliance agree-
9 ment in accordance with section 457 of the
10 General Education Provisions Act (20
11 U.S.C. 1234f).

12 (iii) Issue a complaint to compel com-
13 pliance of the State educational agency
14 through a cease and desist order, in the
15 same manner the Secretary is authorized
16 to take such action under section 456 of
17 the General Education Provisions Act (20
18 U.S.C. 1234e).

19 (B) CESSATION OF WITHHOLDING OF
20 FUNDS.—If the Secretary determines (whether
21 by certification or other appropriate evidence)
22 that a State educational agency that is subject
23 to the withholding of payments under subpara-
24 graph (A)(i) has cured the failure providing the
25 basis for the withholding of payments within

1 one year from the date on which such payments
2 were first withheld, the Secretary shall—

3 (i) cease the withholding of payments
4 with respect to the State educational agen-
5 cy under such subparagraph; and

6 (ii) reimburse all the withheld pay-
7 ments under such subparagraph to such
8 State educational agency.

9 (2) WITHHELD FUNDS.—The funds appro-
10 priated or made available for the payments that
11 were withheld under paragraph (1)(A)(i) shall be
12 available for expenditure to that program [pursuant
13 to this paragraph] [*strike this? not sure what it*
14 *adds*] for not longer than one year from the date
15 upon which the determination in paragraph (1)(B)
16 was made.

17 (3) RULE OF CONSTRUCTION.—Nothing in this
18 subsection shall be construed to limit the Secretary's
19 authority under the General Education Provisions
20 Act (20 U.S.C. 1221 et seq.).

21 **SEC. 202. GRANT AUTHORITY.**

22 (a) IN GENERAL.—From the amount appropriated
23 under section 306, the Secretary may award grants to
24 State educational agencies to improve school climate and
25 culture by implementing positive behavioral interventions

1 and supports and other models to address student behav-
2 ior and reduce the use of exclusionary and aversive dis-
3 cipline practices or interventions in public elementary
4 schools and secondary schools.

5 (b) DURATION OF GRANT.—

6 (1) IN GENERAL.—A grant under this section
7 shall be awarded to a State educational agency for
8 a three-year period.

9 (2) REAPPLICATION.—At the end of a grant pe-
10 riod described in paragraph (1), a State educational
11 agency desiring a subsequent grant under this sec-
12 tion may be eligible for such grant if such State edu-
13 cational agency—

14 (A) submits an application under sub-
15 section (c); and

16 (B) demonstrates—

17 (i) that such State educational agency
18 effectively used grant funds to carry out
19 the required activities under subsection (e)
20 during the previous grant period; and

21 (ii) with respect to such State edu-
22 cational agency, a decrease in at least one
23 of the following:

24 (I) Exclusionary and aversive dis-
25 cipline practices or interventions, in-

1 including in-school suspensions, out-of-
2 school suspensions, and expulsions.

3 (II) School-related arrests.

4 (III) Referrals of students to law
5 enforcement.

6 (3) DATA.—A State educational agency shall,
7 with respect to the data used under paragraph
8 (2)(B)(ii)—

9 (A) cross-tabulate such data and
10 disaggregate by race, gender, disability, and
11 English learner; and

12 (B) redact all personally identifiable infor-
13 mation from such data.

14 (c) APPLICATION.—

15 (1) IN GENERAL.—Each State educational
16 agency desiring a grant under this section shall sub-
17 mit an application to the Secretary at such time, in
18 such manner, and accompanied by such information
19 as the Secretary may require, including—

20 (A) information on how the State edu-
21 cational agency will carry out the required ac-
22 tivities specified in subsection (e);

23 (B) a description of how the State edu-
24 cational agency will improve school climate and

1 culture by reducing the use of exclusionary and
2 aversive discipline practices or interventions;

3 (C) a description of how the State edu-
4 cational agency will implement positive behav-
5 ioral interventions and supports and other mod-
6 els to address student behavior and reduce the
7 use of exclusionary and aversive discipline prac-
8 tices or interventions; and

9 (D) a description of how the State edu-
10 cational agency will develop and implement
11 high-quality training for program personnel de-
12 signed to improve school climate and culture
13 and increase the use of positive behavioral
14 interventions and supports and other models to
15 address student behavior and reduce the use of
16 exclusionary and aversive discipline practices or
17 interventions.

18 (2) PRIORITY.—In awarding grants under this
19 section, the Secretary shall give priority to State
20 educational agencies—

21 (A) with a high percentage of in-school
22 suspensions, out-of-school suspensions, expul-
23 sions, school-related arrests, and referrals of
24 students to law enforcement;

1 (B) that lack positive behavioral interven-
2 tions and supports and other models to improve
3 school climate and culture; or

4 (C) that are in most need of assistance re-
5 lating to improving school climate and culture
6 by reducing the use of exclusionary and aversive
7 discipline practices or interventions, as deter-
8 mined by the Secretary.

9 (d) AUTHORITY TO MAKE SUBGRANTS.—

10 (1) IN GENERAL.—A State educational agency
11 receiving a grant under this section may use such
12 grant funds to award subgrants, on a competitive
13 basis in accordance with subsection (e)(2), to local
14 educational agencies.

15 (2) APPLICATION.—A local educational agency
16 desiring to receive a subgrant under this section
17 shall submit an application to the applicable State
18 educational agency at such time, in such manner,
19 and containing such information as the State edu-
20 cational agency may require, including the informa-
21 tion described in subparagraphs (A) through (D) of
22 subsection (c)(1).

23 (e) REQUIRED ACTIVITIES.—

24 (1) IN GENERAL.—A State educational agency
25 receiving a grant, or a local educational agency re-

1 ceiving a subgrant, under this section shall use such
2 grant or subgrant funds to carry out the following:

3 (A) Developing and implementing high-
4 quality training for program personnel designed
5 to—

6 (i) improve school climate and culture;

7 (ii) increase use of positive behavioral
8 interventions and supports and other mod-
9 els to address student behavior; and

10 (iii) reduce the use of exclusionary
11 and aversive discipline practices or inter-
12 ventions and the discriminatory and dis-
13 proportionate impact such practices have
14 on students based on their race, ethnicity,
15 gender, or disability.

16 (B) Providing technical assistance to im-
17 prove school climate and culture by imple-
18 menting positive behavioral interventions and
19 supports and other models to address student
20 behavior and reduce the use of exclusionary and
21 aversive discipline practices or interventions,
22 such as restorative justice interventions, trau-
23 ma-informed care, crisis and de-escalation inter-
24 ventions, implicit bias training, and culturally
25 responsive teaching.

1 (C) Researching, developing, implementing,
2 and evaluating models, policies, and procedures
3 to reduce the use of exclusionary and aversive
4 discipline practices or interventions in public el-
5 elementary and secondary schools.

6 (2) PRIORITY.—A State educational agency or
7 local educational agency shall prioritize carrying out
8 the activities specified in subparagraphs (A) through
9 (C) of paragraph (1) in public elementary schools
10 and secondary schools—

11 (A) in which a disproportionately high per-
12 centage of students who have been subjected to
13 disciplinary proceedings or have otherwise expe-
14 rienced the application of such a school's dis-
15 cipline policies, practices, and procedures, rel-
16 ative to such school's total student population,
17 are students of color or students with disabil-
18 ities (as defined in section 602 of the Individ-
19 uals with Disabilities Education Act (20 U.S.C.
20 1401));

21 (B) with a high percentage of in-school
22 suspensions, out-of-school suspensions, expul-
23 sions, school-related arrests, and referrals of
24 students to law enforcement;

1 (C) that lack positive behavioral interven-
2 tions and supports and other models to improve
3 school climate and culture; or

4 (D) that have demonstrated meaningful
5 community engagement in selecting models to
6 improve school climate and culture.

7 (f) EVALUATION AND REPORT.—

8 (1) LOCAL EDUCATIONAL AGENCY REPORTS.—

9 Each local educational agency receiving a subgrant
10 under this section shall, at the end of the grant pe-
11 riod **【subgrant period?】** for such subgrant, prepare
12 and submit to the State educational agency a report
13 that—

14 (A) evaluates the progress of the local edu-
15 cational agency toward carrying out the re-
16 quired activities under subsection (e); and

17 (B) includes any additional information the
18 State educational agency determines necessary
19 to complete the report required under para-
20 graph (2).

21 (2) STATE EDUCATIONAL AGENCY REPORTS.—

22 Each State educational agency receiving a grant
23 under this section shall, at the end of the three-year
24 grant period for such grant, prepare and submit to
25 the Secretary a report that—

1 (A) evaluates the State's progress toward
2 carrying out the required activities under sub-
3 section (e);

4 (B) includes data on the impact of the
5 grant program on school climate and culture
6 during such grant period, including, with re-
7 spect to the State educational agency, data on
8 the prevalence of, and increase or decrease in—

9 (i) exclusionary and aversive discipline
10 practices or interventions, including in-
11 school suspensions, out-of-school suspen-
12 sions, and expulsions;

13 (ii) school-related arrests; and

14 (iii) student referrals to law enforce-
15 ment;

16 (C) includes the number of high-quality
17 school climate and culture trainings conducted
18 for program personnel during such grant pe-
19 riod;

20 (D) describes the models implemented to
21 improve school climate and culture during such
22 grant period;

23 (E) specifies the number of subgrants
24 made under subsection (d) and the local edu-

1 cational agencies that were awarded such sub-
2 grants; and

3 (F) includes such information as the Sec-
4 retary may require.

5 (3) DATA.—A State educational agency shall,
6 with respect to the data described in paragraph
7 (2)(B)—

8 (A) cross-tabulate and disaggregate the
9 data in the same manner as under subsection
10 (b)(3)(A); and

11 (B) redact all personally identifiable infor-
12 mation from such data.

13 (4) PUBLICATION.—The Secretary shall make
14 each report under paragraph (2) publicly available
15 on the website of the Department.

16 (g) FUNDS AVAILABLE FOR THE DEPARTMENT OF
17 THE INTERIOR.—From the amount appropriated under
18 section 306, the Secretary shall allocate—

19 (1) 0.5 percent of such funds to the Secretary
20 of the Interior for activities under this section with
21 respect to schools operated or funded by the Depart-
22 ment of the Interior, under such terms and condi-
23 tions as the Secretary may prescribe; and

24 (2) 0.5 of such funds for activities under this
25 section with respect to schools operated in the out-

1 lying areas, under such terms and conditions as the
2 Secretary may prescribe.

3 **TITLE III—ADDITIONAL**
4 **PROVISIONS**

5 **SEC. 301. FEDERAL REGULATIONS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary shall issue
8 such regulations as are necessary to reasonably ensure
9 compliance with this Act.

10 (b) NEGOTIATED RULEMAKING PROCESS.—In car-
11 rying out subsection (a), the Secretary shall use a nego-
12 tiated rulemaking process described in section 1601 and
13 section 1602 of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 6571; 6572) except subparagraph
15 (A) of subsection (b)(3) of such section 1601 shall apply
16 by substituting “establish a negotiated rulemaking proc-
17 ess;” for the text of such subparagraph.

18 **SEC. 302. OTHER SCHOOLS.**

19 (a) DEPARTMENT OF DEFENSE.—The Secretary of
20 Defense shall ensure that schools operated or funded by
21 the Department of Defense Education Activity or other-
22 wise operated or funded by the Department of Defense
23 for the education of military-connected dependents comply
24 with the regulations promulgated by the Secretary pursu-
25 ant to this Act.

1 (b) DEPARTMENT OF INTERIOR.—The Secretary of
2 the Interior shall ensure that schools operated or funded
3 by the Department of the Interior comply with the regula-
4 tions promulgated by the Secretary pursuant to this Act.

5 **SEC. 303. LIMITATION OF AUTHORITY.**

6 (a) IN GENERAL.—Nothing in this Act shall be con-
7 strued—

8 (1) to restrict or limit, or allow the Secretary
9 to restrict or limit, any other rights or remedies oth-
10 erwise available to students or parents under Fed-
11 eral, State, or local law or regulation; or

12 (2) to restrict or limit Federal, State, or local
13 laws, regulations, or policies that provide for more
14 stringent prohibitions or limitations on the use of
15 corporal punishment than the prohibitions or limita-
16 tions that are provided for in this Act.

17 (b) LAW ENFORCEMENT OFFICER DUTIES.—Noth-
18 ing in this Act shall be construed to prevent a sworn law
19 enforcement officer from carrying out the duties of the
20 officer under otherwise applicable law.

21 (c) RULE OF CONSTRUCTION ON DATA COLLEC-
22 TION.—Nothing in this Act shall be construed to affect
23 the collection of information or data authorized under the
24 statutes and regulations implementing title VI of the Civil
25 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX

1 of the Education Amendments of 1972 (20 U.S.C. 1681
2 et seq.), section 504 of the Rehabilitation Act of 1973 (29
3 U.S.C. 794 et seq.), or the Department of Education Or-
4 ganization Act (20 U.S.C. 3401 et seq.).

5 **SEC. 304. APPLICABILITY.**

6 (a) PRIVATE SCHOOLS.—Nothing in this Act shall be
7 construed to affect any private school that does not receive
8 Federal financial assistance.

9 (b) HOME SCHOOLS.—Nothing in this Act shall be
10 construed to—

11 (1) affect a home school, whether or not a home
12 school is treated as a private school or home school
13 under State law; or

14 (2) consider parents who are schooling a child
15 at home as program personnel.

16 **SEC. 305. SEVERABILITY.**

17 If any provision of this Act or the application of such
18 provision to any person or circumstance is held to be un-
19 constitutional, the remaining provisions of this Act and
20 the application of such provisions to any person or cir-
21 cumstance shall not be affected thereby. *【This provision*
22 *is not necessary since severability is the default in legisla-*
23 *tive interpretation; however, if you'd like to keep this provi-*
24 *sion for the optics, it's not harmful】*

1 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this Act for fiscal year
4 2021 and each fiscal year thereafter.